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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

## Report on the situation of human rights in Myanmar, prepared by the Special Rapporteur, Mr. Yozo Yokota, in accordance with Commission resolution 1994/85

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## Introduction

### A. Mandate

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar has been described in each of the Special Rapporteur's previous reports to the General Assembly (A/47/651, A/48/578 and A/49/594), and to the Commission on Human Rights (E/CN.4/1993/37 and E/CN.4/1994/57). The mandate, initially articulated in Commission resolution 1992/58 and extended most recently by the Commission in its resolution 1994/85 of 9 March 1994 (approved by the Economic and Social Council in its decision 1994/269 of 25 July 1994), required the Special Rapporteur to establish or to continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar. In resolution 1994/85, the Commission urged the Government of Myanmar to extend its full and unreserved cooperation to the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur had effectively free access to any person in Myanmar whom he might deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi; and requested the Special Rapporteur to report to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session.

2. The substantive issues addressed by the Commission on Human Rights in resolution 1994/85 include the following concerns: that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all the necessary steps towards democracy in the light of those elections; that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, is still under house arrest; and that serious violations of a variety of fundamental rights continue, inter alia the practice of forced labour, including forced portering and forced displacement of the population. The Commission also expressed its concern about the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar.

3. In addition, the Commission took note of the fact that the Government of Myanmar had acceded to the Geneva Conventions of 12 August 1949; signed a memorandum of understanding on 5 November 1993 with the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the voluntary and safe repatriation of refugees from Bangladesh; received the Special Rapporteur for a visit to Myanmar; and observed cease-fires and undertaken negotiations with several minority groups.

4. The Special Rapporteur submitted a preliminary report to the General Assembly at its forty-ninth session in October 1994 (A/49/594 and Add 1). The present comprehensive report is submitted to the Commission on Human Rights at its fifty-first session for its consideration.

## B. Historical background

5. In 1948, the Union of Myanmar (then called Burma) gained independence from British colonial rule. From 1948 until 1962, the country was governed by a parliamentary democracy based on the Constitution of 2 September 1947. It provided for a federal system of government with separate executive, legislative and judicial branches. The states under the Union were considered autonomous. According to article 201 of the Constitution of 1947, ethnic minorities had, in theory, the right to secede from the Union, but, under article 202, this right was not to be exercised until 10 years from the date of entry into force of the Constitution. In March 1948, an armed insurgency against the then Government of Burma was begun by the Communist Party of Burma. Between 1948 and 1961, various minority ethnic groups joined the armed insurgency.

6. In March 1962, General Ne Win took power in a coup d'état. He installed one-party (the Burma Socialist Programme Party) rule under military control and embarked upon a programme known as the "Burmese Way to Socialism". In 1974, a new constitution was drafted under which one-party rule continued.

7. Towards 1988, nationwide demonstrations began in reaction to the suppression of all civil and political rights since the overthrow of the constitutional Government in 1962 and to the economic failure as a consequence of the policy of the "Burmese Way to Socialism".

8. From March to June 1988, students, workers and monks demonstrated for more freedom and democracy, but the army used harsh measures to crush the demonstrations. Hundreds of civilians were arrested and many suffered severe injuries or died from ill-treatment in detention. Many persons were summarily or arbitrarily executed. On 21 June 1988, the Government imposed a ban on all public gatherings.

9. On 23 July 1988, General Ne Win resigned as party leader and promised economic reform and the holding of a referendum to end one-party rule and institute a multi-party system. However, demonstrations continued and the army and riot police attacked the demonstrators. It was reported that approximately 3,000 persons were killed in August 1988 alone. On 18 September 1988, the military took power and the State Law and Order Restoration Council (SLORC) was set up under the chairmanship of the Chief of Staff, Senior General Saw Maung. The National Assembly (Pyithu Hluttaw), the Council of State and other governmental bodies were dissolved. Free elections were promised by SLORC, but Daw Aung San Suu Kyi, daughter of General U Aung San (the national hero of independence who was assassinated in 1947) and General Secretary of the National League for Democracy (NLD), was banned from campaigning on the grounds that she kept unlawful association with insurgent organizations. On 20 July 1989, Daw Aung San Suu Kyi was detained by government forces. She has been under house arrest without trial since then and, in 1991, she was awarded the Nobel Prize for Peace. Many others, including most of the important opposition political leaders, were also detained.

10. On 27 May 1990, general elections were held in which the main opposition party (NLD) won 81 per cent of the seats (392 seats out of a total 485) and 60 per cent of the vote. However, the official announcement of the results of the elections was postponed by SLORC in order to allow the Election Commission set up by SLORC to scrutinize the expense accounts of all elected representatives.

11. Beginning in early 1992, a mass exodus of Myanmar Muslims from Rakhine State into Bangladesh was reported. At least 250,000 such persons sought refuge for fear of persecution. On 28 April 1992, the Governments of Myanmar and Bangladesh signed an agreement for the voluntary and safe return of the refugees. By October 1993, approximately 40,000 refugees had returned to Myanmar under this arrangement.

12. On 5 November 1993, the United Nations High Commissioner for Refugees (UNHCR) and the Government of Myanmar signed a memorandum of understanding in an effort to ensure the voluntary and safe repatriation of the persons who had left the country. This memorandum of understanding was similar to the one between UNHCR and the Government of Bangladesh signed on 12 May 1993. Both Governments expressed satisfaction at this accord and at the participation of UNHCR. Between September 1992 and the end of September 1994, a total of 75,000 refugees returned to Myanmar. Another 45,000 refugees are expected to return before the end of 1994.

13. In April 1992, General Than Shwe became Chairman of SLORC after General Sa Maung had resigned from the post for reasons of health. Since this change of leadership, a number of new policies have been announced and implemented, including the release of many political leaders in detention (among them the former Prime Minister U Nu, but not Daw Aung San Suu Kyi); the holding of a national convention to draft the principles and guidelines for a new constitution; the granting of permission to the family of Daw Aung San Suu Kyi to visit her; the opening of universities and other institutions of higher education; the lifting of the curfew order and martial law; and cessation of the hearing of civilian cases by military tribunals.

14. On 9 January 1993, the National Convention was convened, composed of 702 delegates in eight categories: (a) representatives of political parties, including NLD (49); (b) representatives elected in the 1990 elections (107); (c) representatives of national racial groups (215); (d) representatives of peasants (93); (e) representatives of workers (48); (f) representatives of the intelligentsia and technocrats (41); (g) representatives of state service personnel (92); and (h) other invited persons (57). The meeting of the National Convention has been adjourned several times for reasons not clear to outside observers.

15. When the National Convention adjourned on 9 April 1994, the Chairman of the National Convention, Chief Justice U Aung Toe, stated that agreement had been reached on the principles for drafting the chapters of the constitution on the State, the state structure and the Head of State. According to these principles, the country would be governed by an executive president and two vice presidents, elected by presidential electoral colleges formed by all

members of the two houses of Parliament. The National Convention reconvened on 2 September 1994. The subjects on its current agenda are self-administered divisions and self-administered zones, the legislature, the executive and the judiciary.

16. In July 1994, Daw Aung San Suu Kyi, began her sixth year of house arrest. Earlier in the year, and for the first time since her arrest, she was allowed to meet with persons other than her immediate family. United States Congressman William Richardson met with her twice at her home during his visit to Myanmar from 15 to 17 February. Also present at the meetings were the Resident Representative of the United Nations Development Programme (UNDP) in Myanmar, a representative of the United States Embassy, and a reporter from The New York Times. On 20 September 1994, Daw Aung San Suu Kyi attended another meeting with the Chairman of SLORC, General Than Shwe, and Secretary One, Lieutenant General Khin Nyunt, at a governmental guest-house. The meeting was the result of mediation by Dr. Rewata Dhamma, a Burmese Buddhist monk living in the United Kingdom. During two visits to Myanmar in 1994, Dr. Rewata Dhamma met with Daw Aung San Suu Kyi, whom he has known for many years, and also with members of SLORC. A second meeting between SLORC representatives, Lieutenant General Khin Nyunt, Armed Forces Judge-Advocate, General Brigadier Than Oo and Armed Forces Inspector-General, Brigadier General Tin Aye and Daw Aung San Suu Kyi took place on 28 October 1994 at a governmental guest-house.

## I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

### A. Introduction

17. In carrying out his mandate, the Special Rapporteur has continued to seek information from all relevant sources. During the past year, information in the form of letters and reports has been received on a regular basis from a wide variety of individuals and non-governmental organizations, as well as from the Government of Myanmar. In November 1994, the Special Rapporteur visited Myanmar, conducted interviews with high-level government officials, as well as representatives of various United Nations specialized agencies and bodies, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), representatives of various non-governmental organizations and the people of Myanmar both inside the country and outside as he paid visits to places relevant to his mandate.

### B. The visit to Myanmar

18. On 10 August 1994, the Special Rapporteur addressed a letter to the Government of Myanmar requesting permission to visit the country from 7 to 16 November 1994 and to have audiences with high governmental officials and meetings in circumstances providing full confidentiality with leaders of political parties, including those in detention or under restriction, in particular Daw Aung San Suu Kyi. The Special Rapporteur also requested full and free access to all individuals and representatives of non-governmental and intergovernmental organizations, whom he might deem it necessary to meet in the carrying out of his mandate or who might have expressed the wish to meet him. He further requested permission to visit prisons and other centres of

detention, and to have confidential contact with those detained. In addition, the Special Rapporteur requested that he be granted full access to other areas of the country, in particular the eastern part, for the purpose of carrying out unrestricted and confidential visits with the recent returnees. By letter dated 23 September 1994, the Government replied that the Special Rapporteur would be welcome in Myanmar.

19. The Special Rapporteur visited Myanmar from 7 to 16 November 1994. Prior to the visit, the Special Rapporteur had been in frequent contact with the Permanent Representative of Myanmar to the United Nations Office at Geneva and with the Minister for Foreign Affairs, who cooperated fully and facilitated the visit. During his visit to Myanmar all of the Special Rapporteur's specific requests for meetings with high-level government officials were met. Similarly, visits to Mon, Mandalay and Mengwe States were facilitated with appropriate briefings, meetings and visits in the areas concerned. In general, the Special Rapporteur enjoyed relative freedom of movement and access to private persons and others of interest, with some notable exceptions which will be addressed below. In addition, he was promptly furnished with all the documentary information he requested before, during and after his visit. Consequently, the Special Rapporteur would like to record his deep appreciation to the Government of Myanmar for its cooperation in facilitating his visit to the country and in responding to his requests for information and explanations.

20. In Yangon the Special Rapporteur met with the following governmental representatives: Lieutenant General Khin Nyunt, Secretary One of SLORC; U Ohn Gyaw, Minister for Foreign Affairs; Colonel Kyaw Win, Deputy-Director of the Directorate of Defence Services Intelligence; Brigadier General Myo Thant, Minister of Information; U Tha Tun, Attorney-General; and U Aung Toe, Chief Justice of the Supreme Court. In Mawlamyine, Mon State, the Special Rapporteur met with the Vice-Commandant of South Eastern Command, Col. Mya Nyein; in Mandalay, Mandalay State, with the Commander of Central Command, Major-General Kyaw Than; and in Pakkokhu, Mengwe State, with the Commander of North Western Command, Major-General Hla Myint Swe.

21. In the course of his visit to Myanmar, the Special Rapporteur paid visits to the following governmental institutions and facilities: administrative offices of the Ministry of Home Affairs, Insein and Mandalay prisons; the National Convention premises; Yangon University campus; and Dagon University in the Dagon New Township.

22. The Special Rapporteur also visited and met with representatives of the following national organizations and institutions: the Myanmar Maternal and Child Welfare Association, the Union Solidarity and Development Association, the Myanmar Red Cross Society and representatives of the Department of Law at Yangon University.

23. On 11 November 1994, the Special Rapporteur met with representatives of the following political parties which are participating in the National Convention drafting the new constitution of the Union of Myanmar: the National League for Democracy (NLD); the Union Kayene League; and the National Unity Party (NUP).

24. While the information and views obtained in the course of his visits and meetings will be reflected below under relevant subject headings, the Special Rapporteur draws attention here to the salient aspects of the visits and meetings mentioned above.

1. Meeting with Secretary One

25. On the morning of 14 November 1994, Secretary One of SLORC, Lieutenant General Khin Nyunt, received the Special Rapporteur at the Ministry of Defence. They discussed political, economic and social changes and enjoyed a frank, open and lengthy exchange of views which touched upon issues of concern for the respect of human rights in Myanmar.

26. On the matter of the general political organization of the State, Lieutenant General Khin Nyunt explained that SLORC took power in 1988 to counter anarchy that was prevailing in the country during the riots and to re-establish security for the people and maintain stability in a country that is composed of 135 ethnic groups. Lieutenant General Khin Nyunt said that, to achieve unity in Myanmar, SLORC was managing a process of national reconciliation in which a variety of insurgent groups were now being brought back into the legal framework of discussions and the National Convention was engaged in a process that would lead to the drafting of a new, strong constitution for the country. Lieutenant General Khin Nyunt assured the Special Rapporteur that once the new constitution had been drafted and adopted elections would take place and a civilian government would take power. With regard to the time frame for the transfer of power to a civilian government, Lieutenant General Khin Nyunt stated that it was not yet the moment to specify when a new civilian government would be formed under such a constitution. However, he explained that it was the intention of the Government to complete the process of the National Convention as soon as possible because it was costing half a million kyats a day to manage. He also explained that, before those goals were achieved, two basic conditions would have to be met: (a) political and social stability must be maintained and (b) the "Union" as a multi-ethnic State must be secured so as to avoid a disastrous dissolution of the State. He strongly stressed that the Tatmadaw (the army) had no intention of remaining in political power for ever.

27. Lieutenant General Khin Nyunt described a variety of social and economic development initiatives which had been taken by the Government in managing the process of national reconciliation and restoring law and order since it took power in 1988, in order to improve the lives of the people and help "build nationalism", i.e. the general sentiment of belonging to one's beloved country and building and protecting the nation. In this regard, Lieutenant General Khin Nyunt cited different projects launched by the Government, for example, the construction of roads, bridges and railroads. He said that such projects had been realized all around the country in order to develop all the regions and to reduce the gap between rich and poor and between urban and rural areas. Specifically, the transportation system in the country was being improved and the Government was also attempting to improve agricultural production by building several dams in the country. Regarding these development projects, Lieutenant General Khin Nyunt said that the slanderous stories about forced labour were not true and were only invented by persons who did not want to see Myanmar developed, or by insurgent groups. He

stated that the people of Myanmar were of the Buddhist faith and they contributed voluntarily to the development projects, believing that they would be the first to enjoy the results on earth and thereafter. He said that the army was also taking part in those works, together with prisoners, who would have their sentences reduced.

28. On the general subject of human rights, Lieutenant General Khin Nyunt explained that Myanmar had a population of 43 million persons, yet only a few hundred persons were criticizing the situation of human rights in the country and writing and reporting false information.

29. Regarding the reasons for the detention of Daw Aung San Suu Kyi, Lieutenant General Khin Nyunt noted that she was the daughter of the national hero and had only come back into the country in 1988, after several years of absence, in order to see her mother, who was ill. Her absence from the country for a long period had not permitted her to understand the political and social situation, i.e. the chaos instigated by the Communists, which had prevailed in the country in 1988 and, therefore, while she had been getting involved in political affairs, she had not realized that she was being manipulated by "the Communists". Consequently she had accepted leadership of the movement, which had then been unable to control the riots. Concerning the Special Rapporteur's specific questions and his requests to visit her, Lieutenant General Khin Nyunt stated that it was not yet the appropriate moment for a visit. Since the Government was meeting her and holding discussions with her, it did not want any interference in that dialogue, which was being conducted in a "good manner" and based on a "mutual understanding". He hoped that the Special Rapporteur understood the circumstances and all the security, political and administrative concerns that such a decision involved. When asked if the Government intended to release her on 20 July 1995 in conformity with the law, Lieutenant General Khin Nyunt answered that it was still too early to say and that the decision had to be taken by the Council of Ministers and also at the level of SLORC. Secretary One assured the Special Rapporteur that SLORC intended to continue its dialogue with Daw Aung San Suu Kyi in the future.

30. Regarding the venue of the meetings between political leaders and the Special Rapporteur, which were arranged to take place at a government guest-house despite the strong request by the Special Rapporteur to meet with them in private at his office in the United Nations compound in Yangon, Secretary One said that politicians were quite free to go about their business and to travel freely in the country with the permission of the Government. However, they could not be allowed to disturb the peace and tranquillity or bring about disorder. As a government, SLORC had to take into consideration several concerns, i.e. economic and political, including security, concerns. It was in that connection that he justified the arrests of the five opposition activists which occurred between July and October 1994. He added that, in order to understand the human rights situation in the country, the situation had to be seen in the overall framework as explained by him; people were not severely repressed.

31. Regarding collaboration with the International Committee of the Red Cross (ICRC), Secretary One indicated that a memorandum of understanding with ICRC was under active consideration and that a favourable decision was expected in due course.

32. Lieutenant General Khin Nyunt ended the meeting by stating that the Government was attempting to develop the country politically, economically and socially, and that, although there were problems, these would be overcome. It could not allow the country to be destroyed or to disintegrate. It would carry on action, in accordance with the law, against any activity aimed at disunity and destruction of the country.

2. Meeting with the Minister for Foreign Affairs

33. The Minister for Foreign Affairs, U Ohn Gyaw, received the Special Rapporteur on 8 November 1994. During the meeting, various issues relevant to the mandate of the Special Rapporteur were discussed.

34. The Minister for Foreign Affairs outlined the cooperation of the Government of Myanmar with the United Nations and the Special Rapporteur, whose tasks had been facilitated and requests met despite the fact that the Government did not agree with the resolution of the Commission on Human Rights. Regarding the Special Rapporteur's request to meet Daw Aung San Suu Kyi, the Minister replied that the Government of Myanmar could not respond to all the requests made by the various personalities who would like to meet Daw Aung San Suu Kyi; otherwise it would become a "kind of circus". He explained the long process which United States Congressman William Richardson and Dr. Rewata Dhamma, a Burmese Buddhist monk, had followed in order to see her, and added that Daw Aung San Suu Kyi as an individual had also the right to refuse to see people.

35. With respect to the allegations of human rights violations regarding forced portering and forced labour, the Foreign Minister rejected them and said that they were completely false. According to him, local inhabitants, because of their Buddhist faith, were voluntarily cooperating in the various development projects in the country. These citizens did not even ask for money because they would consider it to be an insult.

36. With regard to the National Convention and the drafting of the Constitution, priority must be given to national reconciliation and achieving peaceful relations between all the national races in order to obtain a consensus in the country and secure the Union. When asked by the Special Rapporteur if a copy of the Universal Declaration of Human Rights, in the Burmese language, had been provided to every National Convention delegate in relation to deliberations on a future constitution, the Minister said that it was impossible to distribute it among 700 delegates, but an English copy was available at the Convention Library.

### 3. Meeting with the Deputy Director of the Directorate of Defence Services Intelligence

37. On the afternoon of 10 November 1994, the Special Rapporteur met with Col. Kyaw Win, Deputy Director of the Directorate of Defence Services Intelligence. During the meeting, various issues relevant to the mandate of the Special Rapporteur were discussed.

38. Col. Kyaw Win explained to the Special Rapporteur that the principal aim of the current Government was to achieve democracy in the country. He added that that objective could not be achieved without stability in the country. Therefore, priority was being given to national reconciliation and economic development.

39. Regarding political stability, Col. Kyaw Win informed the Special Rapporteur that there were still three "insurgent" groups (the Karen National Union (KNU); a Mon faction; and the Karen National Union Party (KNUPP)) who were not taking part in the work of the National Convention.

40. Regarding economic development, Col. Kyaw Win provided the Special Rapporteur with details of the progress that had been made in that domain, as well as the various development projects which were under way in the country. He added that if the people of Myanmar did not have food, clothes and houses, there would be no human rights in the country.

41. With regard to the allegations of human rights violations regarding forced portering and forced labour, Col. Kyaw Win said that those accusations mainly concerned locations where insurgent groups were fighting against the Myanmar Army. Such false information was provided by the insurgents to destroy the image of the Government.

### 4. Meeting with the Minister of Information

42. On the afternoon of 11 November 1994, the Special Rapporteur met with Brigadier General Myo Thant, Minister of Information, together with members of the Information Committee over which the Minister presides. The discussion focused on the democratization process and, in particular, the National Convention. The Minister first recounted the process from its very start, explaining how the Preparatory Committee for the National Convention was constituted, specifying the composition of delegations to the National Convention and highlighting the achievements of each meeting of the National Convention, since it began on 7 January 1993 up to recent developments.

43. Regarding the suggestion made last year by the Special Rapporteur that a copy of the Universal Declaration of Human Rights, in the Burmese language, be provided to every National Convention delegate in relation to deliberations on a future constitution, while the Minister accepted the Special Rapporteur's suggestion and received an authentic copy of the Universal Declaration of Human Rights in the English language, together with an unofficial translation in the Burmese language, the Declaration was not circulated to National Convention delegates as agreed. The Minister told the Special Rapporteur that only an English copy was available at the Convention Library.

44. The Minister provided further basic information on the following subjects: (a) the availability of international newspapers and magazines in Yangon; (b) the preparation of the country for the celebration of 1996 as The Year of Tourism (Visit Myanmar Year); (c) the composition of the Government, which was the same as the previous year; (d) the cost and availability of basic commodities; and (e) the remaining number of political leaders in detention or in prison.

### 5. Meetings with the Attorney-General and the Chief Justice

45. On the morning of 15 November 1994, the Special Rapporteur met with Attorney-General U Tha Tun after having earlier met with Chief Justice Aung Toe. In his discussion with the Chief Justice, the recent trials of political leaders, the National Convention (which the Chief Justice is Chairing) and some issues of legislative reform (for which the Chief Justice is not responsible, but of which he has some knowledge as a Member of the Law Revision Commission formed by the Government) were addressed.

46. The discussion with Attorney-General U Tha Tun revolved around new legislation, such as reform of existing Myanmar legislation, for which the Attorney-General has some responsibility both in his governmental office and as Chairman of the Law Revision Commission.

47. In response to the Special Rapporteur's inquiries about the collaboration between the Government of Myanmar and ICRC, the Attorney-General informed him that the Myanmar authorities were still scrutinizing the draft memorandum of understanding to see if it affected the sovereignty of the country and if it was in accordance with the national laws. The Attorney-General also informed the Special Rapporteur that ICRC was assisting the authorities in their task of spreading knowledge of international humanitarian law within the armed forces. To that end, ICRC had held an introductory three-day course for 27 high-ranking officers of the Myanmar Defence Forces in April 1993. A full five-day course for tactical operations commanders had taken place in Yangon in November 1993. It had been attended by 30 officers. A six-day seminar-workshop for trainers of the Myanmar Defence Forces had been held in early November 1994.

### 6. Meetings with leaders of political parties

48. On the morning of 11 November 1994, the Special Rapporteur met with representatives of three political parties participating in the National Convention, i.e. the National League for Democracy (NLD), the National Unity Party (NUP) and the Union Kayene League. As last year, and in spite of the strong request by the Special Rapporteur to meet with them in private at his office in the United Nations compound in Yangon, the meetings were arranged to take place at a government guest-house (at 36 Inya Road). The location and atmosphere of the meetings were obviously not conducive to a free and unencumbered exchange of views. In addition, one of the party delegates told the Special Rapporteur that they had been notified to meet with the Special Rapporteur only three hours before the meeting.

49. The Special Rapporteur first met with the two representatives of NLD, Chairman U Aung Shwe and a member of the Central Executive Committee, U Than Tun. They explained that, in the National Convention, three headings of the 16 chapters in the forthcoming new constitution had been agreed upon by November 1994. The NLD delegates told the Special Rapporteur that most of their proposals in the National Convention had not been agreed upon except for a very few parts. In the process, should there be any disagreement which had to be settled through discussion, the position of NLD was never taken into consideration. They were requesting that a clause containing human rights provisions be included in the new constitution and they were hoping that the Government would accept that proposition.

50. The representatives of NLD also informed the Special Rapporteur that the delegates to the National Convention were not permitted to publish or distribute any documents or newsletters. During the sessions, they could read statements which were preapproved by the Chairmen of the group. When the NLD members wished to organize meetings around the country to meet the local population, they had to seek permission from the Government. Permission was generally received, but not for everywhere. For example, in Rakhine State, NLD leaders had wanted to meet with local inhabitants to explain the work they were doing in the National Convention, but the Government had not authorized the gathering. In any case, attendance at the meetings was not allowed to exceed 50 persons. The Chairman of NLD further reported that three years previously he had been told by the Government not to travel outside Yangon without permission from the Local Council. The NLD delegates stated that the situation of freedom of movement, expression and organization had improved a little over previous years, but serious infringements of those basic human rights were still prevalent in the country.

51. The NLD delegates agreed that Myanmar was developing its infrastructure and that cities like Yangon and Mandalay were growing. But that development was not benefiting everyone: the rich were becoming richer, while the poor were suffering more. They reported their concern about the problem of relocation of parts of the population from their homelands to newly constructed townships in order to provide space for new construction. They concluded the discussion on the economy by saying that the economy in Myanmar would grow but the people would suffer a lot and that was why they were asking the United Nations and international non-governmental organizations to help the people of Myanmar, especially the children and women, who had the greatest needs.

52. The NLD delegates informed the Special Rapporteur about their knowledge of the meetings between SLORC and Daw Aung San Suu Kyi through the coverage in the media. They hoped that a result would soon be achieved and mentioned their preoccupation with the fact that, as she was alone, she might not be able to conduct appropriate negotiations with SLORC over a long period.

53. The Special Rapporteur met with two representatives of the National Unity Party (NUP): U Chit Hlai, a member of the Central Executive Committee, and U Tinlatt, a member of the secretariat. The National Unity Party was formed out of the former Burma Socialist Programme Party. They felt that the work at the National Convention was progressing and the major principles for the Constitution had been formulated. The Convention was now in the process of

drafting articles on the basis of the principles. There was no deadline for finishing the drafting of the Constitution. NUP had eight delegates in the National Convention (five for the Party and three from the elected representatives) and at every stage during the sessions the delegates had made various proposals. But so far, they had not discussed major issues. For instance, NUP preferred a parliamentary system because Myanmar people were familiar with it from the period of British rule. However, the majority of the delegates at the National Convention had agreed to a presidential system. Therefore, the NUP delegates respected the majority's decision. The Special Rapporteur was also told that there would be provisions regarding human rights in the forthcoming constitution.

54. The NUP delegates informed the Special Rapporteur that NUP was permitted to produce a monthly booklet informing readers about its activities, the National Convention and human rights abuses, and also pamphlets on political education. It could circulate those publications among its members, but not in the National Convention. It could also organize meetings within the country, except in some areas for security reasons.

55. Regarding the meetings between Daw Aung San Suu Kyi and SLORC, the NUP delegates hoped that they would lead to concrete results, but said that they had no position on the process. They thought that Daw Aung San Suu Kyi had had a poor knowledge of the country when she came back in 1988 after several years of absence from Myanmar. They added that, when Daw Aung San Suu Kyi got involved in the political context, she had a biased analysis of the situation because she was misinformed and manipulated. They hoped that the SLORC delegation which was to meet with her would be able to change her mind.

56. The NUP delegates informed the Special Rapporteur that the economic situation was improving, especially in the agricultural sector where production had increased and much progress has been made, particularly in dry areas. They would like to see the same progress in the industrial sector and in trade where much had still to be achieved.

57. The NUP delegates ended the meeting by saying that some of their members had been in government and understood how difficult it was to govern the country, especially after the events which had occurred in 1988.

58. The Special Rapporteur met with two representatives of the Union Kayene League: President U Mah and Joint Secretary U Mahn Tan Maung. The representatives stated that the group, which was composed by Pwo Kayin and Sgaw Kayin, was the only Karen group recognized by SLORC. It had been organized in 1988 and had five delegates who attended freely the meetings held in the context of the National Convention and a membership of approximately 50,000. The representatives of the League said that work at the National Convention was not going as fast as they would like, but that was better than rushing things since there was a unique chance to achieve better understanding among all the groups composing the country.

59. They informed the Special Rapporteur that most of the Karens in Myanmar were poor peasants living in villages. The great majority were Buddhists (85 per cent) and some were Christians (15 per cent). The League had no information about and no connection with the insurgents living at the frontier between Karen State and Thailand.

60. Regarding the economic situation, they informed the Special Rapporteur that the market had changed from a socialist system in which prices had been fixed by the State, to a free-market one. Therefore, prices were going up and people were complaining. They hoped that with free competition there would be some regulation and prices would drop. Otherwise, they agreed that the Government was working hard to improve the situation by launching all sorts of development programmes.

## 7. Visit to Mandalay jail

61. On the afternoon of 12 November 1994, the Special Rapporteur visited the newly built central jail in Mandalay. He was taken to the central tower of the prison, from where he had a view of land on which new vegetables and flowers had been planted, the pagoda of the prison, the infirmary and the cells.

62. The Special Rapporteur was not allowed to see any of the detainees, nor was he allowed to see the cells. At the time of the prison visit, the prison authorities stated that they were unable to comply with the Special Rapporteur's request to see the detainees and the cells because they required authorization from the higher authorities.

63. The Prison Warden informed the Special Rapporteur that there were 4,715 prison inmates of whom 3,866 were males and 849 were females. The prison has a capacity of 3,000.

64. The severity of the sentences varied from the death sentence to one-day sentences. Sixty-one prisoners (of whom three were women) were serving 20-year sentences and nine prisoners (of whom one was a woman) had been sentenced to the death penalty, but those sentences had been commuted to life imprisonment by a governmental order of November 1992.

65. The Prison Warden told the Special Rapporteur that one or two inmates were kept per cell of approximately 8 square metres having an opening high on one wall. Bamboo mats and potable water were available in the cells. Each inmate was provided with food three times a day and had access to information through books. They were also contributing to several kinds of labour, such as the renovation work of the Mandalay Palace moat.

66. The families had the right to visit the inmates twice a month, in addition to special permissions granted to their lawyers. They were also provided with medical assistance in the prison dispensary, which had 50 beds and where 3 doctors and 15 nurses were working full-time.

67. The Prison Warden informed the Special Rapporteur that a complaints procedure had been established at the prison. One day a week, an officer visited all the cells and recorded the complaints of the inmates. Most of those complaints were not founded and concerned relations between inmates.

## 9. Visit to Insein Prison

68. On the afternoon of 14 November 1994, the Special Rapporteur visited Insein Prison. The Prison Warden informed the Special Rapporteur that there were 4,696 prison inmates, of whom 868 were women. The prison had a capacity of 5,000. No prisoners were awaiting death because all death sentences had been commuted by an order of November 1992.

69. The Special Rapporteur was given an extensive tour of the grounds, in which vegetables and flowers had been newly planted. He was shown the hospital building, the tower and a kitchen with pots of freshly prepared food. The facilities had been freshly painted.

70. The Special Rapporteur was not allowed to see all the detainees he had requested to meet. These prisoners were detained under section 5 (e) of the 1950 Emergency Provisions Act ("causes or intends to spread false news, knowing beforehand that it is untrue"), under section 5 of the 1923 Official Secrets Act (possession or control of secret official information) or under section 17/1 of the 1908 Unlawful Associations Act (membership or contact with an illegal organization). Several of them belonged to political parties and in this connection the Special Rapporteur wished particularly to see the five NLD opposition activists arrested between July and October 1994, including Khin Zaw Win who was arrested in July 1994.

71. After repeated requests made orally from the first day of his stay in Myanmar concerning detainees he wished to see, and having asked for free access to those and other detainees at Insein Prison, the Special Rapporteur was allowed to meet only three detained political leaders, two of whom he had seen during his last visit in November 1993. In addition to U Tin U, who had a distinguished military career and had been in command of the military and was subsequently Minister of Defence, and Dr. Aung Khin Sint, an NLD member elected in the 1990 elections and a delegate to the National Convention, the Special Rapporteur met a student activist, Myin Ko Naing. The meetings took place in the presence of the Prison Warden; several of the prison guards recorded the interviews and a group of photographers were also present.

72. U Tin U greeted the Special Rapporteur and told him of his appreciation at meeting him again. He was in good health and seemed to speak freely without any fear. He told the Special Rapporteur that inmates had been busy for three days prior to his arrival, painting and cleaning the prison premises.

73. The meeting took place in front of a small shack where he was being kept in isolation. The shack was a separate one-story house with an entrance, sleeping section and a toilet and kitchen facilities behind. At the outset, U Tin U proclaimed that he was a "political prisoner" despite the claim of the authorities that he was an "ordinary criminal". He stated that he had suffered five months of effective house arrest before being brought before

a martial court on numerous charges. He said that he had been charged, in particular, with: (a) inciting the entire population for democracy and human rights; (b) corresponding with parliamentarians of the European Community, Japan and the United States of America; and (c) meeting with military personnel and others in groups. Government witnesses had presented testimony at his trial, but he had been denied the right to cross-examine them. After hearing the witnesses, the court had proceeded to sentence him to three years' imprisonment; he assumes that it was preconceived. He had already served three years in prison and had, in fact, already served another year. Instead of being released, he was now serving an additional seven years to which he was sentenced by a second military court on exactly the same charges. He pleaded res judicata, but the judge did not seem to understand what he was saying, and found him guilty again and sentenced him to a second (more severe) term of imprisonment to be served consecutively to the first. U Tin U declared: "I love the army, but I love the people more than the army". He stated that after the 1990 elections many people had been detained for a long time without trial as "ordinary criminals". He had sought their release and remedies. So, he had come to this fate. U Tin U indicated that his treatment was good (he appeared to be physically and mentally healthy). The doctor took good care of him although a shortage of medicines was a problem. His wife came to see him every two weeks. He had access to all the religious books and the New Light of Myanmar, but he received no other information and had no other entertainment.

74. Following the meeting with U Tin U, the Special Rapporteur was taken to another building, adjacent to the house where U Tin U was kept, with a few empty cells; among these cells one was occupied by Dr. Aung Khin Sint.

75. The Special Rapporteur could not enter into the cell where Dr. Aung Khin Sint was kept but he was able to speak with Dr. Aung Khin Sint through the locked grill of the cell door. The Prison Warden and several guards recording the interview were also present, as well as photographers. The interview was very short and the inmate seemed nervous but in good health.

76. Contrary to last year, Dr. Aung Khin Sint addressed the Special Rapporteur in the Burmese and English languages. Dr. Aung Khin Sint had done his medical training in England. He had been sentenced to 20-year imprisonment after being tried in a special court, i.e. not an ordinary court. He had not hired a lawyer. That was his own choice because he wanted to defend himself on his own. After receiving his sentence in 1993, he indicated to the Special Rapporteur during his last visit in November 1993 his intention to appeal through the proper channels. During the Special Rapporteur's latest visit, Dr. Aung Khin Sint informed him that he had not appealed but did not give any specific reason why he had changed his mind. He also told the Special Rapporteur that he was being treated well in the prison and had even received a new tooth in his first week there. In concluding, he repeated that he would like to serve a democratic government from the bottom of his heart.

77. Following the meeting with Dr. Aung Khin Sint, the Special Rapporteur was taken to another building with a few empty cells and one occupied by a young student activist, Myin Ko Naing. The Special Rapporteur could not enter the cell where Myin Ko Naing was kept, but was able to speak with him through the locked grill of the cell door. The Prison Warden and several guards recording

the interview were also present, as well as photographers. The interview was very short and the inmate seemed nervous and thin, but in good health. He told the Special Rapporteur that he had been especially transferred to that cell for the meeting. When asked what he needed, Myin Ko Naing told the Special Rapporteur that he was bored, with nothing to do, and that he wished to read religious books.

78. Following the meetings with the political leaders in prison, the Special Rapporteur returned to the reception room where he sought some clarifications regarding the registration of the three inmates he had met. The Prison Warden gave all the information requested, including the bases for their imprisonment, dates, etc. The Special Rapporteur made a special request to the Prison Warden to allow Myin Ko Naing to read religious books in his cell and the Prison Warden promised the Special Rapporteur to take the necessary steps for that purpose.

## 9. Visit to Mon State

79. On 9 November 1994, the Special Rapporteur visited a construction site of the Ye-Dawei railway project in Mon State, as arranged by the Government of Myanmar and the Vice-Commandant of South Eastern Command, Colonel Mya Nyein. The Special Rapporteur, accompanied by Director-General U Aye Lwin and the Managing Director of Myanmar Railways, U Thaung Lwin, arrived at Kalawtgyi village in Ye Township and met the people who were working on the construction. The construction project of the Ye-Dawei railway section was started in January 1993. The entire section of 100.08 miles will pass through four stations and will include 66 bridges.

80. The Special Rapporteur was told by the local authorities that over 55,000 persons from towns and villages around the railway had already participated voluntarily in the construction project. The local authorities instructed the headmen of the various villages to provide a number of labourers and to assign duties among them. At the beginning of the construction, villagers were used to cut down trees and clear bushes to make way for the rail track. When the route was mostly cleared, villagers began digging ditches, and taking out and piling up the earth to form the embankment for the railway.

81. Workers have been given work by the piece rather than by the day and a given piece of work must be completed in a set period of time. The working hours are from 8 a.m. to 11 a.m. and from 1 p.m. to 4 p.m. Each household/family is normally required to contribute one labourer in one round of duty and each round of duty normally lasts one to two weeks. The authorities told the Special Rapporteur that the workers are each paid 30 kyats for a piece of 1 cubic metre, which means a working day for one or two persons. Wages are paid by the Government to the whole village at the end of its contribution. The workers are not provided with food: they have to take their own food or to pay an amount of 2 kyats per meal. The Special Rapporteur had the opportunity to visit a dispensary built near the construction site to assist workers who suffer minor sickness and require to rest from work. When the sickness of the worker is serious, the authorities release the sick worker from his duty and send him to an appropriate hospital.

## 10. Visit to Mandalay and Mengwe States

82. On 12 November 1994, the Special Rapporteur met in Mandalay with the Commander of Central Command, Major-General Kyaw Than, and visited the construction site of the Mandalay Palace moat which is being dredged by Tatmadaw soldiers, civilians and prisoners from the Central Jail in Mandalay.

83. Around 200 unchained prisoners were involved in the building of the moat by piling and transporting rocks. They seemed in good health and the local authorities informed the Special Rapporteur about their working conditions. Generally, prisoners as well as soldiers work eight hours a day on a voluntary basis. Once the defined part of the work is accomplished, a wage is distributed among the prisoners who are involved in the labour. Food is provided for free and they are entitled to three meals a day. On the day of the Special Rapporteur's visit, well-wisher families were donating lunch, which looked quite appropriate, to all the prisoners and soldiers working at the moat construction site.

84. On 13 November 1994, the Special Rapporteur travelled to Mengwe State to visit the newly completed Pakokku-Myaing-Myosoe section of the Pakokku-Gangaw-Kalay railway. The Minister for Rail Transportation, U Win Sein, and the Commander of North-West Command Major-General Hla Myint Swe, outlined the benefits that would accrue to the regions surrounding the railway. The Minister attributed the successful completion of the new railway section to "the goodwill and support of the Government and the noble-mindedness and conscientiousness of the local population who contributed voluntary labour for the future of their own region". The ground survey for the construction of the Pakokku-Myaing-Myosoe section of the railway was started on 11 June 1993. After completion of the earth bed on 20 December 1993, the rails were laid, starting on 12 February 1994. The entire section, 34.62 miles long, was completed on 17 October 1994.

85. During the Special Rapporteur's trip, he had the opportunity to speak briefly with people among the large crowds assembling around the railway stations at which the train stopped. Apparently, the local population seemed to enjoy the opening ceremony and was happy to benefit from the new facilities.

## 11. Visits to the Myanmar Red Cross Society and the Myanmar Maternal and Child Welfare Association

86. On the morning of 8 November 1994, the Special Rapporteur met with the representatives of the Myanmar Maternal and Child Welfare Association at their headquarters and was given an overview of their recent activities. Regarding the problem of AIDS, Dr. Tin Tin Hmun, Chairman of the Association, informed the Special Rapporteur that the Association was currently implementing a programme of education especially addressed to mothers, in order to inform them how to safeguard themselves and their children from infection. For this purpose training courses were being organized for volunteers (students, doctors, young people) who would then travel around the country to reach the population at the grass-roots level.

87. Concerned about the high rate of child mortality, malnutrition and illiteracy, the Association was continuing to develop, with the collaboration of international organizations such as UNICEF and NGOs, activities and services in those areas for mothers, young women and children throughout the country.

88. On the afternoon of 15 November 1994, the Special Rapporteur visited the offices of the Myanmar Red Cross Society (MRCS). The discussion went directly to the problem of AIDS. In response to an inquiry from the Special Rapporteur, the President of MRCS, Dr. Tin U explained that of 7,500 persons tested for HIV infection in Myanmar an estimated 4,000 had tested positive. Persons who had already contracted AIDS were estimated to number around 300; most of them had contracted tuberculosis and were being kept in quarantine in a section of Yangon Hospital.

89. The first cause of HIV infection is drug injection. Seventy per cent of AIDS cases are among injecting drug users. The rapid and extensive spread of infection among new intravenous drug users is linked to high levels of sharing syringes and the lack of effective sterilization between injections. Drugs are injected with a variety of self-made equipment that is often in poor condition and impossible to sterilize. The second cause is transmission through sexual activity.

90. With respect to the specific problem of the Myanmar women who had returned from Thailand diagnosed as being HIV positive the Special Rapporteur was informed that the MRCS was working closely with the Myanmar Council of Churches and a Swiss NGO, the "Association François Xavier Bagnoud", for their rehabilitation. The girls who had returned from Thailand were living together and were being "rehabilitated" by being taught cooking and sewing and other skills in the facility operated under the Department of Social Welfare. Most of the returnees had tested HIV positive. The reason for the high ratio of HIV positive cases among these women, it was explained, was that they were sent back to Myanmar because they were suspected of having been infected.

91. On the subject of the Geneva Conventions, MRCS was cooperating with ICRC in a dissemination project about the ideals and principles of the Red Cross Movement, as well as the basic principles of international humanitarian law. Three three-day courses and seven one-day sessions had been held in the framework of this programme in the Yangon area, and training sessions for Red Cross volunteers had taken place in Myaungmya and Prome as well. To date, according to MRCS, 60 per cent of the programme launched with ICRC in 1993 had been achieved.

## 13. Visits to university campuses

92. On the morning of 16 November 1994, the Special Rapporteur briefly visited the campus of Yangon University. In contrast to his previous visit in November 1993, the University was open, life on the campus appeared normal and students were casually walking about. During the Special Rapporteur's brief visit, he met with professors from the Department of Law. Professor Tin Aung Aye, Professor of Labour and Constitutional Law, who is also a member of the working committee of the drafting team at the National Convention, discussed topics related to the National Convention, citizenship and human rights. When

asked by the Special Rapporteur if the new constitution would contain a chapter relating to human rights, he pointed out that although human rights were important, they should be linked to duties.

93. On the morning of 16 November 1994, the Special Rapporteur also visited briefly Dagon University, which had newly opened buildings in Dagon township. It is a large campus with vast classrooms and auditoriums. The atmosphere on the campus seemed normal. The Special Rapporteur had the opportunity to meet with enthusiastic young students who informed him about their interests in several topics other than politics.

### C. Visits to camps in Thailand

94. Following his visit to Myanmar, the Special Rapporteur travelled to the frontier with Thailand in order to meet persons from Myanmar living in camps on the Thai side of the border. The visit to Thailand was conducted between 16 and 20 November 1994. The two camps visited were within driving distance of the Thai city of Mae Sot. It is believed that approximately 60,000 persons who have fled Myanmar are living in similar camps in the border area. During this visit, the Special Rapporteur met a total of 31 newly arrived persons from Myanmar, mostly from Karen State. All the interviewees were able to provide recent information on the situation in Myanmar, especially in the border area. Most of them were in poor physical and psychological condition. The information and views obtained in the course of the visits will be reflected below under relevant subject headings.

## II. ALLEGATIONS

### A. Extrajudicial, summary or arbitrary execution

95. Numerous communications from non-governmental sources continue to be received by the Special Rapporteur reporting extrajudicial, summary or arbitrary killings of civilians by Myanmar military forces under a variety of circumstances.

96. In the regions of the country with predominantly non-Burman populations and where insurgencies have been taking place, many of the alleged killings are summary executions of civilians who are accused of either being insurgents or collaborating with insurgents. For example, in March 1994, members of the Myanmar military's Western Military Command patrolling the Naf River (Rakhine State) came across some Muslims fishing from a small boat. The soldiers reportedly tried to extort money from the fishermen and, when unsuccessful, tied them up with rope and brought them to Balu Khali village in Maungdaw Township. Eight of the fishermen were reportedly interrogated and tortured over five days; the soldiers charged them with carrying out clandestine operations rather than simply fishing. On 31 March 1994, the fishermen were reportedly executed.

97. Many of the reports from non-governmental sources have described occasions on which soldiers of the Myanmar army have opened fire with light arms against civilians without any evident provocation. Such situations have frequently been reported in the context of attempts by the army to arrest and detain civilians for the purposes of forced portering and other labour; as

villagers attempt to avoid being arrested or to escape the approaching troops, soldiers are often reported to open fire. For example, on 11 September 1994, Myanmar Army forces from Division No. 33, Battalion No. 27, reportedly entered Kyaun Sein village. When the villagers ran away because they were afraid to be taken as porters, the Tatmadaw reportedly opened fire on them. One villager was hit by a bullet and died the same evening, while three other men were captured by the soldiers and executed on 12 September 1994.

98. In addition to the reports received by the Special Rapporteur alleging summary or arbitrary executions, he also interviewed persons, during his visit to the refugee camps in Thailand, who claim to be witnesses to such human rights violations.

99. The Special Rapporteur has received testimonies alleging governmental responsibility for a pattern of deaths in custody. In the cases received by the Special Rapporteur of alleged violations of the right to life of persons held in detention in which charges were filed, the detentions were primarily carried out under SLORC orders, in application of the 1950 Emergency Provisions Act, particularly section 5 (J), and article 17 of the 1908 Unlawful Association Act. During his visit to Myanmar, the Special Rapporteur requested the Government of Myanmar to provide information concerning the fate of 25 political leaders and elected representatives, students and monks who had allegedly died while in custody. Prior to his departure from Myanmar, the Government provided the Special Rapporteur with its response to his inquiries; the response of the Government of Myanmar is reproduced in annex I to this report. Concerning the 25 cases raised by the Special Rapporteur, this response may be summarized as follows: the Government denied detention in 7 cases; 4 persons were said to have been released; 3 persons were said to be still serving their terms; 10 persons were said to have been given medical treatment upon falling ill, but to have succumbed to disease nevertheless; and 1 person was said to have committed suicide.

100. Other cases of reported summary or arbitrary executions were described in paragraphs 53 to 55 of the interim report of the Special Rapporteur to the General Assembly at its forty-ninth session (A/49/651 of 8 November 1994). These cases included allegations of: severe torture, causing the death of the victims; the killing of civilians for having disobeyed orders from the Tatmadaw to relocate their homes, to supply goods or provide labour for little or no compensation; arbitrary "revenge" killings of persons from villages near to the locations of attacks carried out by insurgent forces against the Tatmadaw. Collective and arbitrary punishments are often said to include summary executions of civilians present in the area.

101. In response to the request of the Special Rapporteur for information on any investigations into these allegations undertaken by the Government, the Government of Myanmar replied, in a note verbale dated 4 November 1994, as follows:

> "No instances of extrajudicial, summary or arbitrary execution can be permitted in the Union of Myanmar and no provision is made in the law for such."

102. The Special Rapporteur is aware that sometimes reports of arbitrary killings tend to be exaggerated or distorted, that there are cases of good treatment of villagers and captured insurgents by the Tatmadaw soldiers, that there is evidence that the Government is trying to discipline those soldiers who have committed serious human rights violations, that instances of such violations appear to be decreasing and that the insurgents also commit serious violations of human rights from time to time. However, the Special Rapporteur cannot deny, in view of so many detailed and seemingly reliable reports, that violations appear to be committed consistently and on a wide scale by the soldiers of the Myanmar Army against innocent villagers (particularly those belonging to ethnic minorities) in the form of summary or extrajudicial executions and arbitrary killings which occur in the contexts of forced labour, rape, forced relocation and confiscation of property.

103. In relation to specific cases, the Special Rapporteur draws attention to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61, paras. 227-230). In this connection, the Special Rapporteur is aware that the Government of Myanmar has recently responded in detail to the allegations transmitted to it by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

## B. Arbitrary arrest and detention

104. Although some political prisoners have been released during the last two years from centres of detention in Myanmar, reports from various sources describe how an unknown number of civilians continue to be arrested for criticizing SLORC, the Tatmadaw and the process being undertaken in the National Convention of drafting a new constitution aimed at facilitating the transfer of power to a civilian government. Other persons reportedly arrested in large numbers are suspected insurgents (or sympathizers therewith) who remain detained in prisons in country areas, especially in the regions with predominantly non-Burman populations.

105. The Nobel Prize winner, Daw Aung San Suu Kyi, is still being held under prolonged house detention without trial; on 20 July 1994, she had completed five years in detention. Seeking her release and return to freedom in Myanmar, including respect for all of her civil and political rights under international law, parliamentarians, non-governmental organizations and individuals throughout the world have sent thousands of petitions to the United Nations in the last few months.

106. In a letter dated 5 October 1994, the Special Rapporteur requested the Government of Myanmar to provide specific reasons, including reference to specific legal authority, for keeping Daw Aung San Suu Kyi under house arrest after 20 July 1994, and to indicate precisely when the Government intends to release her.

107. In a note verbale dated 4 November 1994, the Government of Myanmar provided the Special Rapporteur with the following detailed responses to the above inquiries:

"1. (a) ... she [Daw Aung San Suu Kyi] had been influenced by anti-government, opportunistic politicians and insurgent groups in their attempt to seize political power for their own end, at a time when political vacuum developed by the people's genuine desire to forsake the socialist economic system and their yearning for the return to a multi-party democratic system;

"(b) For her own good and for the good of the country she had to be restrained in order to prevent her from promoting the cause of these unsavoury political elements who found their way and got themselves into positions of influence around her to create disunity among the only unified establishment left in this country, the Tatmadaw, which was endeavouring to stabilize the situation created by the political vacuum;

"(c) Despite repeated caution on the part of the authorities, she made seditious speeches inciting the people to acts of violence and to cause division within the armed forces and division between the armed forces and the people.

"2. The specific legal authority for restraining Daw Aung San Suu Kyi is the 1975 Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts. Under this law, if there are reasons to believe that any citizen has done or is doing or is about to do any act which infringes the sovereignty and security of the State or public peace and tranquillity, the Council of Ministers is empowered to pass an order, as may be necessary, restricting any fundamental right of such person.

"3. Also, under Section 10 (b) and Section 14 of this 1975 Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts, there is the legal basis for the restraint of Daw Aung San Suu Kyi after 20 July 1994. Under this Law the Council of Ministers may pass an order as may be necessary restricting any fundamental right of a citizen if there are reasons to believe that he has committed, or is committing, or is about to commit, any act which infringes the sovereignty and security of the State or public peace and tranquillity. To exercise such power a Central Body, consisting of the Minister for Home Affairs as Chairman, and the Minister for Defence and the Minister for Foreign Affairs as members has been formed.

"4. The Central Body in passing restriction orders for safeguarding the State against dangers has the following powers:

(a) Arresting and detaining a person for a period not exceeding 60 days at a time up to a total of 180 days;

(b) Restraining a person up to one year.

"5. If it becomes necessary to extend the period of detention or restraint, the Central Body may be authorized by the Council of Ministers to detain or restrain a person for a period not exceeding one year at a time up to a total of five years.

"6. In accordance with Section (13) of the Law, the Central Body shall obtain the prior sanction of the Council of Ministers if it is necessary to continue the restraint of the person against whom action is taken for a period longer than contained in Section 10 (b).

"7. In so doing, in accordance with Section (14) of the Law, the Council of Ministers may, in granting prior sanction to continue the detention and arrest or to continue to restrain, permit a period not exceeding one year at a time up to a total of five years.

"8. Hence, the Central Body can restrain a person for one year with its own mandate entrusted by Section 10 (b) of the Law and, with prior sanction of the Council of Ministers, can extend the period of restraint for five years in accordance with Section (14) of the Law.

"9. In view of the foregoing, there is the legal basis for restraining Daw Aung San Suu Kyi after 20 July 1994 based on Section 10 (b) and Section (14) of the 1975 Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts."

108. In his letter dated 5 October 1994, the Special Rapporteur also requested the Government of Myanmar to provide information regarding: Khin Zaw Win; U Khin Maung Swe (aged 52 years, a prominent dissident Member of Parliament-elect and member of the Central Executive Committee of the National League for Democracy); U Sein Hla Oo (aged 58 years, a journalist and opposition politician); Dr. Htun Myat Aye (a dentist); Daw San San Tin (a translator); Daw San San Nwe (a writer) and her daughter.

109. In its note verbale dated 4 November 1994, the Government of Myanmar provided the Special Rapporteur with the following general response to the above inquiries:

"In the Union of Myanmar, a person cannot be arrested and detained if it is not in accordance with the law. It is provided in Section 61 of the Code of Criminal Procedure that no police officer shall detain in custody a person for a period exceeding 24 hours. Where it is necessary to detain such an accused for more than 24 hours, special order of a Magistrate has to be obtained under Section 167 of the Code of Criminal Procedure. The arrested person has the right of defence and the right to have legal defence counsel. Moreover, the arrested or detained person has the right to apply freely for bail to the Magistrate concerned and the Court may grant him bail according to the merits of the case."

110. The following are the detailed charges against the persons mentioned in the summary of allegations received by the Special Rapporteur in the note verbale of 4 November 1994 from the Government of Myanmar:

| Name | Charge(s) |
|---|---|
| Khin Zaw Win | "(a) Under Section 17 (a) of the Unlawful Associations Act (1908) for contacting some members of the terrorist groups and providing funds for them. He was sentenced on 6 October 1994 to three years' imprisonment after due process of law;<br><br>"(b) Under Section 5 (e) of the Emergency Provisions Act for arranging to write and distribute seditious literature. He was sentenced on 6 October 1994 to seven years' imprisonment after due process of law;<br><br>"(c) Under Section 9 (2)/24 (1) of the Foreign Exchange Regulations Act (1947) for trying to smuggle out precious stones and foreign currency. He was sentenced on 6 October 1994 to three years' imprisonment after due process of law.<br><br>"... Moreover, Yangon Divisional (Northern District) Court found Dr. Khin Zaw Win guilty of an illegal act under Section 5 (2)/(4) of the Government Official Secret Act (1923) for smuggling out confidential data from the Ministry of Energy of the Government of the Union of Myanmar. Accordingly, he is sentenced on 6 October 1994 to two years' imprisonment with labour." |
| Daw San San Nwe | "... guilty of an illegal act and criminal offence under Section 5 (e) of the Emergency Provisions Act and Section 109 of the Code of Criminal Procedure for [her] collaboration with Dr. Khin Zaw Win in writing and distributing false news that could jeopardize the security of the State. Accordingly, they were sentenced on 6 October 1994 to seven years' imprisonment.<br><br>"Moreover, Daw San San Nwe was sentenced to three years' imprisonment under Section 17 (1) of the Unlawful Associations Act (1908) on 6 October 1994 by the same Court for contacting some members of the terrorist groups and providing funds for them." |
| U Khin Maung Swe | "... guilty of an illegal act and criminal offence under Section 5 (e) of the Emergency Provisions Act and Section 109 of the Code of Criminal Procedure for [his] collaboration with Dr. Khin Zaw Win in writing and distributing false news that could jeopardize the security of the State. Accordingly, they were sentenced on 6 October 1994 to seven years' imprisonment." |
| Dr. Htun Myat Aye | "... has not been detained. As he was aware of the movements of Dr. Khin Zaw Win and his colleagues, he was questioned and then released." |
| Daw San San Tin | "When legal action was taken against Dr. Khin Zaw Win and his colleagues, [she] was not included." |

111. The Government of Myanmar also responded that U Khin Maung Swe, U Sein Hla Oo, Daw San San Nwe and her daughter "had the right of defence and the right to have legal defence counsel for their cases".

112. The Special Rapporteur continues to receive reports indicating that several persons who have reportedly been sentenced may not benefit from the minimum standards of judicial guarantees. Numerous persons are reportedly subjected to lengthy prison terms which constitute disproportional sentences in relation to the offences for which they have been found guilty. Information from reliable sources indicates that there are general problems in the matter of fair trial especially in the sense of free access to defence lawyers, sufficiency of time for careful examination of the cases, and

proportionality between offences committed and punishments applied. For example, on 11 January 1994, the Special Court of Yangon West District sentenced to death four persons after they had been found guilty of murdering a student: the judgements were rendered within a few days of the arrest of those accused.

113. With respect to other specific cases, the Special Rapporteur draws attention to the report of the Working Group on Arbitrary Detention (E/CN.4/1995/31, paras. 7-8 and 13-14) and Decision No. 13/1994, adopted by the Working Group on 28 September 1994.

## C. Torture and other cruel, inhuman or degrading treatment

114. Numerous allegations, often in considerable detail, have been received from various sources alleging that members of the Myanmar military, intelligence and security services and police continue to torture persons in detention or otherwise subject them to cruel, inhuman or degrading treatment and punishment. Such treatment seems to be routinely employed during the interrogation of persons who have been arbitrarily arrested or held on suspicion of real or perceived anti-government activities. Allegations include subjection to severe beatings, shackling, near suffocation, burning, stabbing, rubbing of salt and chemicals in open wounds and psychological torture, including threats of death. Other reported methods of torture include sexual assault and rape, mostly among women serving as porters.

115. The Special Rapporteur received testimony from reliable sources, corroborated by photographs, indicating that detainees are very often chained and are forced to sleep on cold cement, and that many of them suffer from sickness and serious diseases. The same reliable testimony and photographic evidence indicate that cells are often overcrowded and that prisoners are provided with inadequate hygiene or medical care.

116. In addition to several reports received by the Special Rapporteur alleging widespread torture and other cruel, inhuman and degrading treatment in Myanmar, he has also interviewed persons claiming to be victims or to have witnessed such human rights violations.

117. With respect to specific cases, the Special Rapporteur draws attention to the report of the Special Rapporteur on Torture (E/CN.4/1995/34, paras. 492-500). In this connection, the Special Rapporteur is aware that the Government of Myanmar has responded to the allegations transmitted by the Special Rapporteur on Torture.

## D. Freedom of movement

118. During his visit to Myanmar, the Special Rapporteur was pleased to note that several members of intergovernmental and international non-governmental organizations are permitted to travel through the country to implement their programmes directly with the concerned population. Nevertheless, reliable sources informed the Special Rapporteur that forced relocation and internal displacement of persons occurs on a wide scale. People continue to be forcibly relocated, without compensation, to new towns and villages. For example, on 9 July 1994, some 80 persons are said to have been forced to leave

Kyein-ta-li village in southern Rakhine State; they were forced to leave on very short notice and were not allowed to bring any property with them. In another example, about 1,500 persons were said to have been forced to leave their homes in Nga-let village in Min-pya township in northern Rakhine State on 13 July 1994; these persons are said to have been rounded up by the military and put on seven boats. In July 1994, in Rakhine State, a Muslim community composed of 250 households was allegedly forced to move from their native village of Ngla, in Minbya township, to Mang Daw township. In a third example, another Muslim community composed of 360 households was reportedly forced to move from their village of Kawalong, Myauk U township, to be relocated in Mang Daw on 4 October 1994.

119. Allegations have also been made that 30 Muslim heads of family were rounded up from villages around Pyapon township in the delta area of the Irrawaddy division and sent to Yangon, where they were detained at the police lock-up in Barr Street. The detained persons are all said to be holders of national identity cards and to be owners of the land that they have worked on for generations. Reports claim that these persons now face deportation or forcible relocation, without compensation, to Rakhine State.

120. Forced relocations and evictions have also been reported by reliable sources in connection with major development projects. According to several non-governmental sources, Myanmar authorities are forcing Muslims to dismantle their cemeteries and religious buildings at six months' notice, to make room for more profitable construction related to tourism. Such acts are claimed to have taken place in, for example, Yangon, Mandalay and Yan-bye township in southern Rakhine State. In Kyauk-ni-maw village tract, Yan-bye township, the local authorities have reportedly ordered six mosques to be dismantled. The reason said to have been given by the authorities for the order is that the trustees of the mosques could not produce any documentation concerning the legality of the buildings. The mosques are several hundred years old.

## F. Freedom of expression

121. During his visit to Myanmar the Special Rapporteur was pleased to note that several members of the foreign press, including members of foreign radio and television companies, were allowed entry into Myanmar. Foreign newspapers were also available in some book stores in Yangon, and more than 80 Myanmar magazines, of social and cultural interest, are available to the public. Nevertheless, the Special Rapporteur was also informed that, within Myanmar, the written press, radio and television continue to be subject to governmental censorship, and that the distribution of written material was also subject to governmental restrictions and control. For example, all magazines must be read by a governmental body before their distribution.

122. According to an article entitled "Action taken against destructive elements" which was published in the 23 August 1994 edition of the State-controlled English-language newspaper The New Light of Myanmar (printed on p. 12), the receiving or passing of information or written material from and to foreigners appears to be illegal. By prosecuting persons for such exchanges of information, the Government of Myanmar effectively intimidates its citizens and discourages them from exercising their fundamental rights to freedom of expression.

123. The Special Rapporteur is especially concerned about the fact that during his visit to Myanmar he was unable to meet citizens who wished to contact him, because of their fear of subsequent repercussions. In this connection, the Special Rapporteur notes that one of the charges against Khin Zaw Win, who was arrested in July 1994, was that of having made arrangements to send fabricated news on Myanmar to the Special Rapporteur during his visit to the country in 1992. This allegation was published on 23 August 1994 in the same article of The New Light of Myanmar referred to above, as follows:

> "Dr. Khin Zaw Win and group met those who have opposite views on government and the Tatmadaw and made arrangements for sending fabricated news on Myanmar to Professor Yozo Yokota, representative of the United Nations Commission on Human Rights during his visit in December 1992."

The Special Rapporteur was informed during his visit to Myanmar that this particular charge was not considered as a basis for judgment by the court, but the fact that it was widely reported, including by the government newspaper, would have a strong psychological effect on people and cause them to be extremely reticent about contacting him.

## F. Labour rights

124. The Special Rapporteur has been informed that workers in Myanmar do not enjoy basic labour rights including, in particular, freedom of association and the right to organize. There is hardly any trade union movement, and workers and trade unionists who criticize the Government would risk interrogation and arrest.

125. The Special Rapporteur received many complaints from several reliable sources that men, women and children from the age of 14 years are allegedly used for forced labour for the construction of railways, roads and bridges. Persons with past records are randomly rounded up by local police or the military in resettlement areas, and in downtown Yangon, along Insein Road and in the small coffee houses. In the countryside, village headmen are responsible for filling forced labour and porter quotas or providing large sums of money to the military instead.

126. The Special Rapporteur received testimonies describing minutely the duties of porters. Porters are required to carry heavy loads of ammunition, food and other supplies between army camps, generally over rugged mountains which are inaccessible by vehicle. They must often construct the camps for the military upon arrival. They are not paid for their work and are allowed only a minimum of food and rest.

127. The Special Rapporteur takes note of the fact that the matter has been raised before appropriate bodies of the International Labour Organisation (ILO). On 7 November 1994, ILO issued document GB.261/13/7 entitled "Report of the Committee set up to consider the representation made by the International Confederation of Free Trade Unions under article 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour

Convention, 1930 (No. 29)". The Committee has concluded that "the exaction of labour and services, in particular porterage service, under the Village Act and the Towns Act is contrary to the Forced Labour Convention, 1930 (No. 29), ratified by the Government of Myanmar in 1955".

## G. Rights of the child

128. The Special Rapporteur is pleased to note that the Government of Myanmar formally withdrew the reservations made by Myanmar upon accession to the Convention on the Rights of the Child in July 1991 with respect to article 15 (regarding freedom of association) and article 37 (regarding the prohibition of torture and other cruel, inhuman or degrading treatment in regard, inter alia, to the treatment of children during interrogation). However, the Special Rapporteur is concerned that there is some evidence of children being forced to serve in the army as soldiers or as porters. This practice, which is reported to remain widespread, would involve a variety of human rights violations, including forced labour, cruel and degrading treatment (if not also torture) and threats to life.

129. Regarding allegations of violations of children's rights, the Special Rapporteur interviewed several witnesses during his visits to the refugee camps in Thailand. He met children of 16 and 17 years of age who claimed that they had been forced to serve in the Myanmar Army two years earlier. Such military service of children is contrary to article 38, paragraphs 2 and 3, of the Convention on the Rights of the Child, to which Myanmar is a party.

## H. Treatment of the Muslim population in Rakhine State

130. In early 1992, there was a mass influx of some 250,000 Muslim refugees into Bangladesh from Rakhine State in Myanmar. To address this problem, a joint statement was made by the Governments of Myanmar and Bangladesh, on 23 April 1992, concerning the voluntary repatriation of the refugees. Bangladesh requested the assistance of UNHCR to facilitate the repatriation and memoranda of understanding between UNHCR and the Governments of Bangladesh and Myanmar were signed on 12 May 1993 and 5 November 1993, respectively.

131. In this connection, the Special Rapporteur welcomed the willingness of the Government of Myanmar to cooperate with UNHCR in order to ensure the voluntary and safe return of the Muslim population who had fled to Bangladesh from Rakhine State. Between September 1992 and the end of September 1994, a total of 75,000 refugees had returned to Myanmar and, according to UNHCR, it is anticipated that an additional 45,000 refugees will have returned by the end of 1994. If the aforementioned anticipated return is accomplished as planned, the total number of returnees at the end of 1994 would be 120,000, or approximately half the number who fled.

132. The Special Rapporteur also welcomed the undertaking of the Government of Myanmar to allow the establishment in December 1993 in Rakhine State of a UNHCR permanent field office with international staff. This presence may dissipate the fear of many of the Muslim population of Rakhine State who

remain in the camps on the Bangladeshi side of the border. Many of them are said to be fearful of possible ill-treatment by the Myanmar authorities upon return and, therefore, do not wish to come back without some kind of international monitoring.

133. In Myanmar, five reception centres (Taungpyo, Ngakhuya, Pyinphyu, Kanyinchaung and Magyichaung) and one transition centre (in Buthidaung) have been established. Upon arrival at the reception centres, returnee families are issued "family lists" serving as temporary identity documentation until they are provided with a returnee identity card.

134. UNHCR reports that, up to the present, all returnees have been able to move back into their former homes. Most returnees who had access to land prior to their departure for Bangladesh will be able to regain their land after the next harvest. In cases where the returnees are unable to claim their land back, the authorities have committed themselves to finding alternative solutions at the location of the returnees' former residences.

135. UNHCR is playing a key role in helping create conditions in Rakhine State conducive to the return of the refugees and to monitor their wellbeing. The Special Rapporteur is informed that the returnees are free to travel and will be entitled to the same rights as other residents of Myanmar. The governmental authorities are also obliged to inform UNHCR of cases of arrest or detention of returnees and to allow UNHCR officers access to any detained returnee.

## I. The National Convention

136. On 9 January 1993, the Government convened a national convention to lay down the basic principles for the elaboration of a new and enduring constitution. Of the 702 delegates from 8 categories of people, 49 are selected by the 10 political parties remaining after the 1990 elections, 106 are elected representatives and the remainder of the delegates from the other 6 categories were chosen by SLORC. Before any real discussion could take place at the National Convention, a broad framework of basic objectives was provided by the Government: (a) non-disintegration of the Union; (b) non-disintegration of national solidarity; (c) consolidation and perpetuity of sovereignty; (d) emergence of a genuine multiparty democratic system; (e) development of eternal principles of justice, liberty and equality in the State; and (f) participation of the Tatmadaw in a leadership role in the national politics of the future.

137. The Special Rapporteur has been informed that each of the eight groups represented were to have a panel of five chairmen who would lead the discussions and that, in the political parties group, only one chairman was from NLD - the party that won a majority in the 1990 elections. In the elected representatives group, where 89 of the remaining 106 delegates were from NLD. No NLD representatives were selected as chairmen.

138. During his visit to the National Convention, the Special Rapporteur met with several delegates. He was informed that all the delegates to the National Convention are required to stay in the Convention compound. In the same dormitory, five delegates live together. There is one sergeant clerk in each dormitory serving the delegates. It is reported that these sergeant clerks may also observe the activities of the delegates.

139. Delegates are not totally free to meet with other delegates inside the compound. They are not entitled to leave the compound without authorization. When they leave the compound, delegates are not allowed to take out any written or printed materials. It was also reported to the Special Rapporteur that when the delegates return to their States to see their families they are sometimes harassed by the local authorities. The Special Rapporteur is concerned that such an atmosphere does not permit the delegates to be in touch with the populations they represent, or enable them to take into account their grievances, wishes and points of view and, thus, to represent them meaningfully during the debates which are taking place in the National Convention.

140. The Special Rapporteur was told that the delegates enjoy the freedoms of expression and discussion. However, they cannot distribute discussion papers among themselves: all papers have to be distributed to the chairmen of the groups. The chairmen scrutinize the contents and, if the statements are found to be contradictory with the agreed principles, the relevant parts are deleted. Only then will the papers be read at the group meetings. When the proposed statements are to be read before the plenary meeting, they have to be submitted again for scrutiny by the Work Committee.

141. The reply of the Government in response to a query by the Special Rapporteur with regard to progress made so far in the National Convention on the drafting of a new constitution, and the anticipated schedule for future meetings, is reproduced in the addendum to the interim report of the Special Rapporteur to the General Assembly (A/49/594/Add.1, pp. 13 to 15 of the English version).

## J. The movement towards reconciliation with the insurgents

142. The Special Rapporteur has been informed that the Government of Myanmar extended an official invitation to the armed groups to return to the legal fold, to hold talks with the Government and to join hands with the Government in the ongoing national endeavour for the development of border areas and national races. During his meetings in Myanmar, the Government of Myanmar provided the Special Rapporteur with a list of the 13 ethnic and other armed groups which "had returned to the legal fold", i.e. have signed ceasefire agreements with the Government of Myanmar. The list is reproduced in annex II to the present report.

143. In connection with the "return to the legal fold" of various of the former insurgent groups, the Special Rapporteur notes a list supplied to him by the Government of Myanmar which names 77 persons who have been released

from imprisonment subsequent to receiving sentences for a variety of politically related offences, including offences under section 17 (1) of the 1908 Unlawful Association Act. This list is reproduced in annex III to the present report.

144. In response to the Government's invitation to "return to the legal fold", it was reported in November 1994 that the leader of the Karen National Union (KNU), the largest armed insurgent group, was ready to discuss a ceasefire with the Government of Myanmar. It is still too early to make any meaningful assessment of developments in this respect. But, from the viewpoint of protection of human rights, such a move towards true national reconciliation should be welcomed because, as stated above, many cases of serious human rights violations are being committed in the context of military operations. For example, Kachine State, where an insurgency was previously taking place during which foreigners were prohibited to visit, has become opened for journalists and tourists as a result of the return of the Kachine Independence Organization (KIO) guerrilla group to the legal fold. During a visit to Kachine State in November 1994, Lieutenant General Khin Nyunt was quoted as saying that peace is now prevailing in Kachine State.

## III. CONCLUSIONS AND RECOMMENDATIONS

### A. Conclusions

145. The visit of the Special Rapporteur to the Union of Myanmar at the invitation of the Government was facilitated by the efforts, cooperation and courtesy extended to him by the officials of the Government, in particular Lieutenant General Khin Nyunt, Secretary One of SLORC, and U Ohn Gyaw, Minister for Foreign Affairs. Most of the requests of the Special Rapporteur to meet persons pertinent to his mandate were met, including meetings with the Attorney-General, Chief Justice, Minister of Information, some political leaders in detention and representatives of political parties. However, the Special Rapporteur was disappointed that he was not allowed to meet Daw Aung San Suu Kyi. He also regrets that the meetings with the representatives of political parties were held at a place and in an atmosphere not fully ensuring privacy. However, the Special Rapporteur commends the Government for arranging quite efficiently his visits to Mon State, Mandalay State and Mengwe State, Insein Prison, Mandalay Prison and other places and facilities which he had requested to visit.

146. The Special Rapporteur generally observed in Yangon and Mandalay that there were visible signs of relaxation of tension in the life of the people. There were many consumer goods in market places where many shoppers crowded. Streets and bridges have been constructed or improved. There were many cars on the streets. Indeed, in the centre of Yangon, traffic congestion and parking problems occurred at certain times of the day. However, the Special Rapporteur was informed that this development and construction is benefiting only a few persons. In fact, there were poor people in the cities and, in particular, in the countryside; these persons did not appear to be sharing in any new prosperity, and rather appeared to be suffering from inflationary pressures on basic necessities such as rice and medicines.

147. The Special Rapporteur welcomes the expanding cooperation between the Government of Myanmar and various United Nations organs and with international humanitarian non-governmental organizations.

148. The Special Rapporteur continues to be concerned about the serious restrictions imposed upon people in the enjoyment of civil and political rights. The people do not generally enjoy freedom of thought, opinion, expression, publication and peaceful assembly and association. They seem to be always fearful that anything they or their family members say or do, particularly in the area of politics, could put them at risk of arrest and interrogation by the police or military intelligence. Consequently, most people with whom the Special Rapporteur spoke casually avoided any conversation touching upon political subjects. Several people told him that many persons wished to tell the Special Rapporteur their stories, but were too afraid to come to see him.

149. The persons whose civil and political rights are most severely restricted are the leaders of political parties, particularly the NLD leaders, and delegates to the National Convention, again particularly those from NLD. Because of both visible and invisible pressures, they cannot assemble in a group, cannot freely discuss, and cannot publish or distribute printed materials. In this situation it is difficult to assume that, in the National Convention, open and free exchanges of views and opinions are taking place in order to produce a truly democratic constitution.

150. The Special Rapporteur is pleased to note that the Government of Myanmar has continued to release persons who have been detained for political activities. He also welcomes the Government's decision to allow persons other than members of her immediate family to visit Daw Aung San Suu Kyi, as well as the beginning of a dialogue between her and the Government. He would, however, express concern that there are still hundreds of such persons detained in Myanmar, most notably Daw Aung San Suu Kyi. He also regrets that, in the summer of 1994, five persons were specifically arrested for engaging in political activities and were subsequently sentenced to long prison terms.

151. Government representatives have repeatedly explained to the Special Rapporteur that the Government is willing to transfer power to a civilian government, but that, in order to do so, there must be a strong constitution and that, in order to have a strong constitution, it is doing its best to complete the work of the National Convention. However, the Special Rapporteur cannot help but feel that, given the composition of the delegates (only one out of seven delegates was elected in the 1990 elections), the restrictions imposed upon the delegates (practically no freedom to assemble, to print and distribute leaflets or to make statements freely) and the general guidelines to be strictly followed (including the principle regarding the leading role of the Tatmadaw), the National Convention does not appear to constitute the necessary "steps towards the restoration of democracy, fully respecting the will of the people as expressed in the democratic elections held in 1990" (General Assembly resolution 47/144, para. 4).

152. The Special Rapporteur welcomes the fact that, subsequent to the signing on 5 November 1993 of the Memorandum of Understanding between the Union of Myanmar and UNHCR to facilitate and guarantee the voluntary and safe return of

Myanmar residents from Bangladesh, and the subsequent opening of a UNHCR field office in Rakhine State to allow UNHCR international staff to monitor the repatriation of the refugees, tens of thousands of refugees have been successfully repatriated.

153. The Special Rapporteur further welcomes the undertaking of various training programmes for military officers and soldiers with the cooperation of ICRC and the Myanmar Red Cross Society in the area of international humanitarian law.

154. The Special Rapporteur is paying special attention to the recent successes of the government initiative to invite the armed insurgent groups to enter into talks with the Government and he notes, in particular, some initially positive response from the Karen National Union. He is hopeful that the process will move forward in the direction of achieving true reconciliation and peace throughout the country.

## B. Recommendations

155. In the light of the foregoing conclusions, the Special Rapporteur submits the following recommendations for the consideration of the Government of Myanmar:

(a) The Government of Myanmar should fulfil in good faith the obligations it has assumed under articles 55 and 56 of the Charter of the United Nations "to take joint and separate action in cooperation with the Organization for the achievement of ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language and religion". In this respect, the Special Rapporteur notes that the Government of Myanmar is in an ideal position to encourage the delegates of the National Convention to include various human rights provisions in the new constitution using, as a reference, the provisions of the Universal Declaration of Human Rights, a copy of which should be circulated to each delegate in the Burmese language;

(b) The Government of Myanmar should consider accession to: the International Covenants on Human Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the two Protocols additional to the Geneva Conventions of 1949;

(c) Myanmar law should be brought into line with accepted international standards regarding protection of physical integrity, including the right to life, protection against disappearance, prohibition of torture and other cruel, inhuman or degrading treatment, providing humane conditions for all persons under detention and insurance of the minimum standards of judicial guarantees;

(d) The Government of Myanmar should take steps to facilitate and guarantee enjoyment of the freedoms of opinion, expression and association, in particular by decriminalizing the expression of oppositional views, relinquishing government control over the media and literary and artistic communities, and permitting the formation of independently organized trade unions;

(e) All political leaders, including elected political representatives, students, workers, peasants and others arrested or detained under martial law after the 1988 and 1990 demonstrations or as a result of the National Convention, should be tried by a properly constituted and independent civilian court in an open and internationally accessible judicial process. If found guilty in such judicial proceedings, they should be given a just sentence; alternatively, they should be immediately released and the Government refrain from all acts of intimidation, threats or reprisals against them or their families. With respect to Daw Aung San Suu Kyi, the Government should release her immediately and unconditionally;

(f) The Government of Myanmar should take the necessary steps to bring the conduct of the military, including ordinary soldiers and officers, into line with accepted international human rights and humanitarian standards so that they do not arbitrarily kill, rape, confiscate property, force persons into acts of labour or porterage, relocate them or otherwise treat persons without respect to their dignity as human beings. When the hiring of local villagers for porterage and other works may be required for governmental purposes, it should be undertaken on a voluntary basis and adequate wages should be paid. The nature of the work should be reasonable and in accordance with established international labour standards. When the relocation of villages is considered necessary for military operations or for development projects, proper consultation with the villagers should take place and appropriate compensation should be paid for those relocations which may be determined necessary for reasons of the public good;

(g) The Government of Myanmar should take all steps to refrain from recruiting any person who has not attained the age of 15 years into their armed forces, in accordance with article 38.3 of the Convention on the Rights of the Child;

(h) All military and law enforcement personnel, including prison guards, should be thoroughly informed and trained as to their responsibilities, in full accordance with the standards set out in international human rights instruments and humanitarian law. Such standards should be incorporated into Myanmar law and legislation, including the new constitution to be drafted. The training programme undertaken with the cooperation of ICRC is a good start in this direction and should be continued;

(i) Given the magnitude of the abuses, official condemnation should be made by the Government of all acts by authorities involving human rights violations. Such acts, including all acts of intimidation, threat or reprisal, should not benefit from the present system of almost complete denial by, and impunity under, the Government;

(j) The Government of Myanmar should consider the revision of the 1982 Citizenship Law to abolish its burdensome requirements for citizenship. The law should not apply its categories of second class citizenship in a manner which has discriminatory effects on racial or ethnic minorities, particularly the Rakhine Muslim population. It should be brought into line with the principles embodied in the Convention on the Reduction of Statelessness of 30 August 1961;

(k) The Government of Myanmar is encouraged to continue its cooperation with UNHCR in facilitating and ensuring the voluntary and safe return of Rakhine Muslims from Bangladesh;

(l) The Government of Myanmar is also encouraged to continue its cooperation with international non-governmental organizations in facilitating and ensuring the free access of their international staff to ordinary persons in the townships and villages in order to establish contacts and provide assistance to persons who are suffering from a shortage or lack of food, safe water, medicines, medical care and proper education.

Annex 1

RESPONSE OF THE GOVERNMENT OF MYANMAR TO ALLEGATIONS OF EXTRAJUDICIAL EXECUTION WHILE IN CUSTODY, AS RAISED BY THE SPECIAL RAPPORTEUR DURING HIS MEETING WITH COLONEL KYAW WIN OF THE DIRECTORATE OF DEFENCE SERVICE INTELLIGENCE ON 10 NOVEMBER 1994

(Document given to the Special Rapporteur by the Myanmar authorities during his visit to Myanmar)

| Name (age) | Brief case history | Remarks |
|---|---|---|
| 1. Ko Zaw Win Tun | | No one by that name was detained or imprisoned. |
| 2. U Aye Lwin | | No one by that name was detained or imprisoned. |
| 3. Ko Soe Htay | | No one by that name was detained or imprisoned. |
| 4. Ko Nay Win Aung | | No one by that name was detained or imprisoned. |
| 5. Ko Aung Moe | | No one by that name was detained or imprisoned. |
| 6. U Sein Win (alias U Win Zaw) | | No one by that name was detained or imprisoned. |
| 7. U Than Win (49 years) | | Action was not taken against him. He is a representative-elect of the National League for Democracy for Tha Baung 2 Constituency. He is now living in Pathein. |
| 8. U Kyaw Win | Sentenced to 5 years' imprisonment under section 5 (j) of the 1950 Emergency Provisions Act on 20 January 1992 at Myaungmya Prison. | He was released on 9 January 1993 and is now living in Pa Let village in Nyaung Don township. |
| 9. U Tha Tun | Sentenced to 5 years' imprisonment on 1 January 1991 under section 5 (j) of the 1950 Emergency Provisions Act at Myaungmya Prison. | He was released from prison on 25 November 1992 and is now living in Phoe Nar Ko village, Laputta township. |

| Name (age) | Brief case history | Remarks |
|---|---|---|
| 10. David Hla Myint (35 years) | A representative-elect of the National League for Democracy for Ngapudaw 2 Constituency. Sentenced to 6 months' imprisonment on 26 January 1991 under section 6 of the State Flag Law for showing disrespect for the State flag. | He was released on 26 June 1991 and is now living in Pathein. |
| 11. Ko Kyaw Soe (21 years) | Sentenced to 8 years' imprisonment on 7 June 1991 under section 17 (2) of the 1908 Unlawful Association Act for having been involved in the destruction of the electric transformer at Bamaw. | He is still serving his sentence in Mandalay Prison. |
| 12. Hamin | Sentenced to 12 years' imprisonment on 7 June 1991 under section 17 (2) of the 1908 Unlawful Association Act for having been involved in the destruction of the electric transformer at Bamaw. | He is still serving his sentence in Mandalay Prison. |
| 13. U Aye Ko (37 years) | Sentenced to 6 years' imprisonment under section 5 (j) of the 1950 Emergency Provisions Act on 5 February 1991. | He is still serving his prison term at Mandalay Prison. |
| 14. Man Daweit (55 years) | Sentenced to 8 years' imprisonment on 27 November 1989 under section 17 (2) of the 1908 Unlawful Association Act for seeking assistance from the KNU insurgents. | He was hospitalized on 29 June 1992 at Yangon General Hospital for lung cancer and died on 12 July 1992 from the disease. |
| 15. Mohamed Ilyas (alias Maung Nyo) | Detained for having laid explosive mines near the Golf Club at Maung Daw. | He was hospitalized at Mungdaw Hospital for severe pains in the stomach. He died on 23 June 1992 due to severe gastritis. |

| Name (age) | Brief case history | Remarks |
|---|---|---|
| 16. Khin Maung Myint (64 years) | Sentenced to 10 years' imprisonment on 6 November 1989 under section 5 (j) of the 1950 Emergency Act and section 17 of the 1908 Unlawful Association Act for involvement in the underground movement of the Burma Communist Party. | He was hospitalized on 12 August 1991 for tuberculosis and taken to Yangon General Hospital for further treatment. He died on 16 February 1993. |
| 17. Kyaw Myo Thant | Sentenced to 1 year's imprisonment under section 505 (b) of the Penal Code on 7 November 1989 for distributing illegal leaflets. | He died on 20 May 1990 because of liver cancer at Maubin General Hospital. |
| 18. Soe Win (72 years) | Sentenced to 20 years' imprisonment on 6 November 1989 under section 5 (j) of the 1950 Emergency Act and section 17 of the 1908 Unlawful Association Act for involvement in the underground movement of the Burma Communist Party. | He was transferred from the Prison Hospital to Insein General Hospital for severe jaundice, and died on 3 May 1991 at the hospital. |
| 19. Nyo Win (58 years) | Action was taken against him on 18 July 1989 under section 19 (a) of the Unlawful Association Act for circulating disinformation and distributing illegal leaflets. | He was hospitalized at the Prison Hospital for blood-poisoning and severe jaundice on 1 March 1991 and transferred to Insein General Hospital. He died from the disease on 8 March 1991. |
| 20. Khin Maung (alias Bo Set Yaung) | Sentenced on 2 November 1989 to 5 years' imprisonment under section 5 (j) of the 1950 Emergency Act and section 17 of the 1908 Unlawful Association Act for involvement the in underground movement of the Burma Communist Party. | He died at Insein Prison Hospital on 7 March 1990 from heart disease. |

| Name (age) | Brief case history | Remarks |
|---|---|---|
| 21. Thaw Ka, (62 years) | Sentenced to 20 years' imprisonment on 5 November 1989 under section 5 (a) and (b) of the 1950 Emergency Provisions Act for organizing and exhorting the Tatmadaw personnel from the Navy to dissociate from the combined Armed Forces. | He was hospitalized for heart disease on 7 June 1991 and transferred to Yangon General Hospital on 8 June 1991. He died from heart disease on 11 June 1991 at the hospital. |
| 22. Tin Maung Win (51 years) | Action was taken against him on 21 November 1990 under sections 121 (1) and 124 of the Penal Code for his involvement in attempting to form a parallel government. | He was hospitalized 10 January 1991 for leukaemia and died from the disease on 18 January 1991. |
| 23. Zaw Tika, (60 years) | Sentenced to 3 years' imprisonment on 8 February under section 5 (j) of the 1950 Emergency Act and under section 295 of the Penal Code for involvement in a strike organized by the monks. | He was hospitalized in the Prison Hospital on 1 September 1992 because of tuberculosis and died of the disease on 18 November 1992 at the Insein Prison Hospital. |
| 24. Maung Ko | A member of the National League for Democracy HQs. Detained for his involvement in attempting to form a parallel government. | He committed suicide on 9 November 1990. |

Annex II

NATIONAL ARMED GROUPS WHICH HAVE RETURNED TO THE LEGAL FOLD
(Document given to the Special Rapporteur by the Myanmar authorities during his mission to Myanmar)

| Name | Place | Leader | Date |
|---|---|---|---|
| Kokang National Group | Lauk kai | U Yan Moe Lyan | 31 March 1989 |
| Wa National Group | Pang Sang | U Kyauk Ni Hlaing and U Bauk Yu Chang | 9 May 1989 |
| Shan State Army (SSA) | Hseng Kiao | U Sai Naung | 24 June 1989 |
| Shan/Ahka National Group | Mong La | U Sai Lin | 30 June 1989 |
| New Democratic Army (Kachin) (NDA) | Pang Wa | U Sakhon Taint Yein | 15 December 1989 |
| Kachin Defence Army (KDA) | Kaung Kha | U Ma Htu Naw | 1 November 1991 |
| Pa-O National Organization (PNO) | Kyauk Ta Loe | U Aung Kham Hti | 18 February 1991 |
| Palaung State Liberation Party (PSLP) | Nam Hsam | U Aik Mong | 21 April 1991 |
| Kayan National Guard (KNG) | Mong Pai | U Kabrial Byan | 27 February 1992 |
| Kachin Independence Organization (KIO) | Liaison Post | U Zaw Mai | 24 February 1992 |
| Kayinni National People's Liberation Front (KNPLF) | Hoya/Biya | U Htun Kyaw | 9 May 1994 |
| Kayan New Land Pary (KNLP) | Polaung | U Than Soe Naing | 26 July 1994 |
| Shan National People's Liberation Organization (SNPLO) | Naung Htaw | U Tarka Le | 10 September 1994 |

Annex III

CHART SHOWING PARTICULARS OF THOSE AGAINST WHOM ACTION HAS BEEN TAKEN FOR HAVING CONTACT WITH KNU INSURGENTS AND WHO HAVE BEEN RELEASED BY THE MYANMAR AUTHORITIES DURING 1994

(Document given to the Special Rapporteur by the Myanmar authorities during his mission to Myanmar)

KNU Kayan National Unity Party
MNLD Mon National League for Democracy
UND Union National Democracy Party

| Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|
| 1. U.R.P. Thaung (Son of U Ni Si Taung) | KNU (disbanded), Central Executive Committee member (Than Daung 2) | 5 years, 30 May 1991, section 5 (j) of the Emergency Provisions Act for selling secret information and the fraudulent act of selling fabricated false reports to foreign embassies. | Insein Prison 21 June 1994 |
| 2. Nai Ngwe Thein (Son of U Tha Tun Aung) | MNLD (disbanded), Vice-Chairman | 7 years, 4 November 1992, section 5 (j) of the 1950 Emergency Provisions Act; and 7 years' imprisonment under section 17 of the Printers and Publishers Registration Act; 7 years, section 28 of Printers and Publishers Registration Act. | Mawlamyaing Prison 22 August 1994 |
| 3. Nai Tun Thein (Son of U Aung Dun) | MNLD (disbanded) Chairman (Thanbyu 2) | | |
| 4. Maung Maung (Son of U Ko Lay) | UND (disbanded) Central Executive Committee Member | 1 year, 25 February 1993, section 17/20 of the Printers and Publishers Registration Act for printing illegally books concerning the 6 basic principles of the National Convention; 6 months, 27 April 1993 under Section 468 of the Penal Code for failing to pay the debt owed to Daw Ahmar Kyi. | Insein Prison 14 December 1993 |
| 5. Saw Cha Lay (alias Saw Kyaw Thein) (Son of U Saw Han) | Fisherman | 3 years, 8 June 1992, section 5 (j) of the Emergency Provision Act for having contact with KNU insurgents. | Pathein Prison 8 January 1994 |
| 6. Saw Lay Gyi (alias Saw Shwe Pe) (Son of U Tha Hto) | Dependent | | |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 7. | Saw Jean<br>(Son of U Saw Lay Gyi, alias Saw Shwe Pe) | Peasant | | |
| 8. | Thabye<br>(alias Pauk Taw)<br>(Son of U Pauk Kyaw) | Peasant | 3 years, 12 November 1991, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Maubin Prison<br>8 January 1994 |
| 9. | Auspon<br>(Son of U Saw Thein Kyaw) | Student | (sentenced 28 December 1991) | |
| 10. | Myint Aung Lay<br>(Son of U Wai Hlaing) | Peasant | | |
| 11. | Hla Tun<br>(alias Tha Tu)<br>(Son of U Sein Pale) | Fisherman | 3 years, 11 December 1991, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | |
| 12. | Maung San<br>(Son of U Sein Hlaing) | Peasant | (sentenced 12 December 1991) | |
| 13. | Ma Ne Win Myint<br>(Daughter of U Gar Midi) | Peasant | (sentenced 30 December 1991) | |
| 14. | Nan Tannie Soe<br>(17 years) | Peasant | | |
| 15. | Ma Naw Mu Tu<br>(30 years)<br>(Daughter of U Shwe Kyu) | Primary school teacher | (sentenced 9 January 1992) | |
| 16. | Naw Cristina<br>(34 years)<br>(Daughter of U Aung) | Principal of primary school | | |
| 17. | Nant Naung Sein<br>(Daughter of U Mya Maung) | Peasant | (sentenced 27 January 1992) | |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 18. | Ma Chaw Bo (Daughter of U Tha Paw) | Peasant | (sentenced 31 January 1992) | |
| 19. | Ma Thu (Daughter of U Tha Oo) | Peasant | | |
| 20. | Ma Kyi Win (Daughter of U Aung Shwe) | Peasant | 3 years, 14 February 1992, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | |
| 21. | Shwe Soe (Son of U Kyaw Hlaing) | Peasant | (sentenced 10 April 1992) | |
| 22. | San Aye (Son of U Ba Kyi) | Peasant | | |
| 23. | Aung Maung (Son of U Khway) | Peasant | | |
| 24. | Shwe Man (Son of U Tun Myaing) | Peasant | | |
| 25. | Toke Kyi (Son of U Shwe Phee) | Peasant | | |
| 26. | Thein Win (Son of U Than Kaung) | Peasant | | |
| 27. | Kyaw Aye (Son of U Aung Yay) | Peasant | | |
| 28. | Kywet Ni (Son of U Tun Phyu) | Peasant | | |
| 29. | Pyone Cho (Son of U Toe Si) | Peasant | | |
| 30. | Mya Thein (Son of U Shwe Yone) | Peasant | | |
| 31. | Ohn Shwe (Son of U Thu Taw) | Peasant | 3 years, 10 April 1991, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Maubin Prison 8 January 1994 |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 32. | Nant Sein Pwa (alias Phu Salu) | Peasant | | |
| 33. | Tha Sein (Son of U Kyar Khin) | Peasant | (sentenced 9 April 1992) | |
| 34. | Nant La Pan | Peasant | (sentenced 27 April 1992) | |
| 35. | Nant Aye Aye (Daughter of U Man Lan) | Peasant | | |
| 36. | Ma Melmon (Daughter of U Saw) | Primary School Teacher | (sentenced 31 January 1992) | |
| 37. | Htu Htu Ee (Son of U Takhu Taw) | Peasant | 13 years, 28 November 1991, section 17 (1) of the 1908 Unlawful Association Act and 123 of the Penal Code for having contact with KNU insurgents. | Insein Prison 26 April 1994 |
| 38. | Saw Than Myaing (alias Po Dwe Hla) (Son of U Po Than) | Peasant | (sentenced 29 November 1991) | |
| 39. | Saw Ye Lu Htu (alias Po Htu) (Son of U Tun Kyi) | Peasant | (sentenced 31 December 1991) | |
| 40. | Saw Tin Tun (Son of U Aye Maung) | Peasant | (sentenced 30 October 1991) | |
| 41. | Saw Kaw Htu (Son of U Aung Htay) | Peasant | 20 years, 30 October 1991, section 17 (1) and 19 (a) of the 1908 Unlawful Association Act and 122 of the Penal Code for having contact with KNU insurgents. | Insein Prison 26 April 1994 |
| 42. | U Thaung (Son of U Tin Pe) | Peasant | | |
| 43. | U Thein Aung (Son of U Charlie) | Peasant | 20 years, 30 October 1991, section 17 (1), 19 (a) and 2 (1) (a) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Insein Prison 26 April 1994 |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 44. | Po Htay<br>(alias Htaw Htu Shar)<br>(Son of U Po Pye) | Peasant | 5 years, 25 November 1991, section 17 (2) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Insein Prison<br>26 April 1994 |
| 45. | Saw Kale Htu<br>(alias Aye Gyi)<br>(Son of U Saw Htu) | Peasant | | Myaungmya Prison<br>22 April 1994 |
| 46. | Po Taw<br>(alias El-Kaw Oo)<br>(Son of U Wai Po) | Peasant | | |
| 47. | Po Kya Phyu<br>(Son of U Kyaukhe) | Peasant | | |
| 48. | Chit Thein<br>(alias Po Thein)<br>(Son of U War Kle) | Peasant | | |
| 49. | Shin Hmway Hla<br>(alias Gadoe)<br>(Son of U Yaw Han) | Peasant | | |
| 50. | Myo Myint Lay<br>(alias Thet Pyinn)<br>(Son of U Aye Thein) | Peasant | 5 years, 25 November 1991, section 17 (2) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Myaungmya Prison<br>22 April 1994 |
| 51. | Myo Myint Htun<br>(alias Chit Koko)<br>(Son of U Aye Thein) | Peasant | | |
| 52. | Waw Flee Thaw<br>(alias Oak-Aul)<br>(Son of U Saw Roh Tha) | Peasant | | |
| 53. | Saw Kale Htu<br>(Son of U San Shwe) | Peasant | | |
| 54. | Gaung Pyar<br>(alias Aung Win Shwe)<br>(Son of U Po No No) | Peasant | | |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 55. | Po Kin<br>(alias Hla Win)<br>(Son of U Than Sein) | Peasant | | |
| 56. | Ta Ma La Wah<br>(Son of U La Pye) | Peasant | (sentenced 27 November 1991) | |
| 57. | Saw Say He<br>(Son of U Ei Faw) | Peasant | (sentenced 25 November 1991) | |
| 58. | Mu Le<br>(Son of U Klar Pu) | Peasant | (sentenced 3 June 1992) | |
| 59. | Lwe Htu<br>(Son of U Klar Pu) | Peasant | | |
| 60. | Saw Ta Khu<br>(Son of U Lu Lay) | Peasant | 5 years, 23 June 1992, section 17 (2) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Myaungmya Prison 22 April 1994 |
| 61. | Saw Hmway Tha<br>(Son of U Lu Lay) | Peasant | 3 years, 23 June 1992, section 17 (2) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Myaungmya Prison 22 April 1994 |
| 62. | Saw Har Ray<br>(Son of U Adu) | Peasant | 3 years, 5 October 1992, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Myaungmya Prison 22 April 1994 |
| 63. | Saw Pe Khu<br>(alias Pine Aye)<br>(Son of U Tun Pe) | Peasant | (sentenced 21 June 1992) | |
| 64. | Maung Gyo<br>(alias Shwe Aye)<br>(Son of U Lu Lay) | Peasant | (sentenced 23 June 1992) | |
| 65. | Saw Shie Plaw<br>(Son of Htu Saw) | Peasant | (sentenced 5 October 1992) | |
| 66. | Saw Say Lay<br>(Son of U Char Lay) | Peasant | | |
| 67. | Saw Khay Let<br>(Son of Saw Htu) | Peasant | | |

| | Name | Party assignment/occupation | Sentence/legal basis | Prison/date of release |
|---|---|---|---|---|
| 68. | Saw El Mu Khu<br>(Son of U Saw Roh) | Peasant | | |
| 69. | Saw Htu Htu<br>(Son of U Phre-Say) | Peasant | | |
| 70. | Saw Phar Gay<br>(Son of U Man Ko) | Peasant | | |
| 71. | Saw Kar Yu<br>(Son of U Ngwe Gaine) | Peasant | 3 years, 5 October 1992, section 17 (1) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Myaungmya Prison<br>22 April 1994 |
| 72. | Saw Lar Phaw<br>(Son of U Kyee Phyu) | Peasant | | |
| 73. | Saw Shie Tha<br>(Son of U Seik Sin) | Peasant | | |
| 74. | Set Htee Man<br>(Son of U Pu Lay) | Peasant | (sentenced 11 November 1992) | |
| 75. | Kyar Htun<br>(Son of U Aung Tin) | Peasant | | |
| 76. | Saw Yi Phine Se<br>(alias Ba Lay)<br>(Son of U Saw Nelson) | Peasant | 20 years, 12 November 1991, section 17 (1) and 19 (a) of the 1908 Unlawful Association Act and section 123 of the Penal Code. | Myaungmya Prison<br>22 April 1994 |
| 77. | Saw Phar Lar Kho<br>(Son of U Saw Hla Kyaw) | Peasant | 10 years, 29 August 1994, section 17 (1) and 19 (a) of the 1908 Unlawful Association Act for having contact with KNU insurgents. | Insein Prison<br>13 October 1994 |
| 78. | U Shwe Boke<br>(son of U Kar Lein) | Peasant | 3 years, 10 April 1992, section 17 (1) of the 1908 Unlawful Associations Act for having contact with KNU insurgents. | Ma U Bin Prison<br>8 January 1994 |